Decision-Maker	Activity	Time-Frame
Enforcement Supervisor	Review reports and sample analyses pertaining to investigations, inspections, observations, and monitorings to insure that the information for each record is complete, clearly written and the findings well-documented; if the record lacks information, contact the investigator to determine if missing information can be added to the file – determine if a <u>possible</u> violation of Pesticide Control Act or supporting regulations occurred.	Within 5 work days of receipt of report from field investigator
Enforcement Supervisor	For a routine inspection, if no violation is found, close record and update Enforcement Case Review & Actions database. For a complaint investigation, if no violation is found, close record and update Enforcement Case Review & Actions database. Forward to Compliance Manager. If possible violation occurred, update Enforcement Case Review & Actions database and forward record to Compliance Manager.	
Compliance Manager	Review each record forwarded by the Enforcement Supervisor to determine whether or not violation(s) of the Pesticide Control Act or supporting regulations are documented in the report of findings and supported by the samples submitted by the Investigator; if information is missing, contact the investigator to determine if missing information can be added to the record. For a complaint investigation in which no violation was found, notify complainant of findings.	Cases are reviewed in order of receipt
	Action Initiated.	

Decision-Maker	Activity	Time-Frame
Compliance	If violation warrants a Civil Penalty, prepare a Rationale for Penalty	
Manager	Assessment, and a Notice of Violation.	order of receipt
	If Civil Penalty is \$2,500 or less, mail to respondent along with payment statement and notification that the assessment can be appealed in a fact-finding conference authorized by § 2.2-4019 of the Code of Virginia (the Code); and update Enforcement Case Review & Actions database. If Civil Penalty is greater than \$2,500, forward to Program Manager for review and approval. If denial, suspension, revocation, or modification of a license, certificate, or registration is involved alone or in conjunction with a civil penalty, forward to Program Manager for review and approval.	Within 3 work days of completion of case review
	At the discretion of the Compliance Manager, the civil penalty	
Drogram Managar	assessment may be prepared in the form of a Consent Agreement. If Civil Penalty greater than \$2,500 is approved, return to	Within 5 work days
Flogram Manager	Compliance Manager for mailing to respondent.	of completion of case review
	If Civil Penalty greater than \$2,500 is NOT approved, return to Compliance Manager for reassessment of penalty.	
	If denial, suspension, revocation, or modification of a license, certificate, or registration is involved alone or in conjunction with a civil penalty is approved, return to Compliance Manager for mailing to respondent.	
	If denial, suspension, revocation, or modification of a license, certificate, or registration is involved alone or in conjunction with a civil penalty is NOT approved, return to Compliance Manager for reassessment.	

Decision-Maker	Activity	Time-Frame
Compliance	Mail approved action with payment statement to respondent; include	Within 2 work days
Manager	notification that the assessment can be appealed in a fact-finding	of receipt of approval
	conference authorized by § 2.2-4019 of the Code; and update	
	Enforcement Case Review & Actions database.	
	If action is NOT approved , reassess and resubmit action for	Within 5 work days
	approval.	of receipt
Commissioner	Receive written request for Fact-Finding Conference ; appoint a	Within 5 work days
	Conference Officer as required; request Compliance Manager to	of receipt of request
	schedule the conference with the respondent and Conference Officer.	
Compliance	If a Fact-Finding Conference is requested by respondent in writing	Within 5 work days
Manager	to the Commissioner within 15 days after receipt of the Notice of	after Commissioner
	Violation, schedule conference with appointed Conference Officer;	appoints Conference
	notify respondent and Investigator of location, date and time; and	Officer
	update Enforcement Case Review & Actions database.	7777.1
Conference	Hold Fact-Finding Conference as requested to consider all relevant	_
Officer appointed	information on case; Officer may affirm, raise, lower, or abate a	appointment as
by Commissioner	penalty, or may negotiate a settlement based on new information;	Conference Officer
	inform the respondent:	
	Board approval is required for any civil penalty adjustment greater than 25% of the original genelty, and	
	adjustment greater than 25% of the original penalty, and	
	any adjustment greater than \$500;	
	• The right to appeal the decision of this conference in an	
	Adjudicative Conference authorized by § 2.2-4019 of	
	the Code, when only a civil penalty is involved, or in a Formal Hearing authorized by §2.2-4020 of the Code,	
	when denial, suspension, revocation, or modification of a	
	license, certificate, or registration is involved alone or in	
	conjunction with a civil penalty.	
	A request for an Adjudicative Conference or Formal	
	Hearing must be made in writing to the	
	Commissioner.	
	Commissioner.	
	Conference Officer shall affirm, raise, lower, or abate penalty, or	Within 10 work days
	negotiate a settlement; notify the respondent of decision in writing;	of conference date
	indicate if Board concurrence is required; notify Investigator of	
	decision.	

Decision-Maker	Activity	Time-Frame
Conference	Conference Officer shall transmit to the Board any civil penalty	At the next Board
Officer appointed	adjustment greater than 25% of the original penalty, and any	meeting
by Commissioner	adjustment greater than \$500; the Board shall review the decision	
(cont'd)	and approve or deny the penalty adjustment.	
Compliance	Notify the respondent of the Board's decision in writing; update	Within 10 work days
Manager	Enforcement Case Review & Actions database.	of considering case
Commissioner	Upon written request for an Adjudicative Conference , request	Within 5 work days
	Program Manager to arrange for Conference Officer.	of receipt of request
Program Manager	If an Adjudicative Conference is requested by respondent within 15	Within 5 work days
	days after receiving decision of Fact-Finding Conference Officer,	after notification by
	arrange for Conference Officer, arrange location of Adjudicative	Commissioner
	Conference; notify Investigator; update Enforcement Case Review	,
	& Actions database.	
Conference Officer	Hold Adjudicative Conference as requested to hear relevant	Within 45 days of
	information concerning the case.	appointment by Commissioner
	Officer shall consider all facts concerning a civil penalty, then	Within 30 work days
	transmit findings and recommendation to the Board.	of conference date
	Inform respondent that the Board will hear final oral arguments (15	Within 10 work days
	minutes maximum unless a longer period, not to exceed 30 minutes,	of conference date
	is requested in writing) only upon written request to the Board	
	within 15 days after Adjudicative Conference.	
Commissioner	Upon written request for a Formal Hearing , request Program	Within 5 work days
	Manager to arrange for a Hearing Officer	of receipt of request
Program Manager	If Formal Hearing is requested by the respondent within 15 days	Within 5 work days
	after receiving decision of Fact-Finding Conference Officer, arrange	after notification by
	for a Court-appointed attorney to act as Hearing Officer; arrange	Commissioner
	location of Formal Hearing; notify investigator; update	
	Enforcement Case Review & Actions database.	

ADMINISTRATIVE PROCEDURE FOR PROCESSING VIOLATIONS FOR CIVIL PENALTY ASSESSMENT AND ACTIONS ON CERTIFICATES, LICENSES, AND REGISTRATIONS

Decision-Maker	Activity	Time-Frame
Hearing Officer	Hold Formal Hearing as requested to hear relevant information about case.	Within 60 days of receipt of request for hearing
	Hearing Officer shall consider the facts concerning the denial, suspension, revocation, or modification of a license, certificate, or registration, along with any associated civil penalty, and the facts of related violations presented as part of the same case; transmit findings and recommendations to the Board.	Within 45 work days of the hearing date
	Inform the respondent that the Board will hear final oral arguments (15 minutes maximum unless a longer period, not to exceed 30 minutes, is requested in writing) only upon written request to the Board within 15 days after Formal Hearing .	Within 10 work days of hearing date
Pesticide Control	Consider recommendations from Adjudicative Conference or	At the next Board
Board	Formal Hearing; Board may hear final arguments from VDACS and respondent before rendering decision. Respondent must petition the Board to present oral arguments (15 minutes maximum unless a longer period, not to exceed 30 minutes, is	meeting after receipt of findings and recommendations
	requested in writing).	
	Board shall render decision concerning a civil penalty and the status of a license, certificate, or registration; notify the respondent of decision in writing; inform respondent that decision can be appealed to circuit court for judicial review; send copy of transcript and decision to the Office of Pesticide Services.	Within 10 work days of considering case
Compliance	Update Enforcement Case Review & Actions database.	Within 10 work days
Manager		of considering case

Approved by Board July 16, 2003